

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Patricia L. Greenway,

Plaintiff,

v.

Jack Dye, A.H. Skardon and T.T
Thompson,

Defendant(s).

C/A No. 6:05-1736-GRA-WMC

ORDER

This matter is before the Court for a review of the magistrate's Report and Recommendation made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02(B)(2)(d), D.S.C., and filed May 23, 2006. Plaintiff brought this suit pursuant to 42 U.S.C. § 1983. The magistrate recommends that the motions to dismiss pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure by Defendants, A.H. Skardon, T.T Thompson and Jack Dye be granted. For the reasons stated below, the Report and Recommendation is accepted and the motions to dismiss as to Defendants, A.H. Skardon, T.T Thompson and Jack Dye are GRANTED.

Plaintiff is proceeding *pro se*. This Court is required to construe *pro se* pleadings liberally. Such pleadings are held to a less stringent standard than those drafted by attorneys. See *Gordon v. Leeke*, 574 F.2d 1147, 1151 (4th Cir. 1978). This Court is charged with liberally construing a pleading filed by a *pro se* litigant to allow for the

development of a potentially meritorious claim. See *Haines v. Kerner*, 404 U.S. 519, 520 (1972).

The magistrate makes only a recommendation to this Court. The recommendation has no presumptive weight, and responsibility for making a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). This Court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and this Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). This Court may also "receive further evidence or recommit the matter to the magistrate with instructions." *Id.* In the absence of specific objections to the Report and Recommendation, this Court is not required to give any explanation for adopting the recommendation. *Camby v. Davis*, 718 F.2d 198 (4th. Cir. 1983). Plaintiff has filed an objection to the Report and Recommendation.

Plaintiff in her objection merely makes broad and conclusory statements that do not address a specific error of law or fact within the magistrate's Report and Recommendation. Further, Plaintiff objects to the Defendants' response to Plaintiff's Request for Production. Plaintiff's general objections do not warrant *de novo* review and are without merit. *Id.*

After a review of the magistrate's Report and Recommendation, this Court finds that the report is based upon the proper law. Accordingly, the Report and Recommendation is accepted and adopted in its entirety.

IT IS THEREFORE ORDERED that the Report and Recommendation is accepted and the motions to dismiss pursuant to Rule 12(b)(6) of the Federal Rules of Civil

Procedure by Defendants, A.H. Skardon, T.T Thompson and Jack Dye be GRANTED.

IT IS SO ORDERED.



G. ROSS ANDERSON, JR.
UNITED STATES DISTRICT JUDGE

Anderson, South Carolina

June 28, 2006.

NOTICE OF RIGHT TO APPEAL

Plaintiff has the right to appeal this Order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure. Failure to meet this deadline, as modified by Rule 4 of the Federal Rules of Appellate Procedure, will waive the right to appeal.